

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBBINS ENTERTAINMENT LLC, SONY BMG
MUSIC ENTERTAINMENT AND ROCKS LLC,

Plaintiffs,

07 Civ. 9236 (NRB)

- against -

KOCH ENTERTAINMENT DISTRIBUTION,
SHERIDAN SQUARE ENTERTAINMENT, INC.,
MUSICRAMA, INC,

Defendants.

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**ANSWER OF DEFENDANT SHERIDAN SQUARE ENTERTAINMENT, INC. TO
PLAINTIFFS' COMPLAINT**

Defendant, Sheridan Square Entertainment, Inc. ("Sheridan defendant") answering the plaintiffs' complaint herein, by Meier Franzino & Scher LLP, its attorneys, respectfully alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to paragraphs "1", "2", "3" and "4" of plaintiffs' complaint and respectfully refers the Court to the facts herein and the statute cited by plaintiffs.

2. Denies knowledge or information sufficient to form a belief as to paragraphs "5", "6", "7", "8", "11", "12", "13", "14", "15", "16", "17", "26", "29", "30" and "36" of plaintiffs' complaint.

3. Denies each and every allegations set forth in paragraphs "18", "19", "20", "21", "22", "23", "24", "25", "27", "28", "31", "32", "33", "34", "35", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48" and "49" except admits that defendant Musicrama, Inc.

purchased certain copies of the Casada Album and distributed said albums in the United States and that upon being advised of plaintiffs' claim, defendant Musicrama, Inc. ceased any further distribution of a Casada Album. Answering defendant respectfully refers the Court to the EQ Music version of the Casada Album and that of plaintiffs' to determine the similarities between said products.

FOR A FIRST AFFIRMATIVE DEFENSE

4. That the plaintiffs consented to the distribution of the Cascada Album by defendant Musicrama, Inc. and have no claim for relief herein.

FOR A SECOND AFFIRMATIVE DEFENSE

5. Upon information and belief, the plaintiffs do not have a proper chain of title to the copyrights alleged in the complaint and as such cannot maintain this action.

FOR A THIRD AFFIRMATIVE DEFENSE

6. That plaintiffs' complaint fails set forth a claim for relief against answering defendant.

FOR A FOURTH AFFIRMATIVE DEFENSE

7. That plaintiffs' claims for relief are barred by the doctrine of laches.

FOR A FIFTH AFFIRMATIVE DEFENSE

8. That plaintiffs' claims for relief are barred by the doctrine of estoppels.

FOR A SIXTH AFFIRMATIVE DEFENSE

9. That plaintiffs' state and common law claims for relief are barred by the doctrine of preemption.

WHEREFORE, defendant Sheridan Square Entertainment, Inc. requests that the Complaint herein be dismissed in its entirety against said Sheridan defendant; that the Sheridan defendant be awarded costs and disbursements; and that the Sheridan defendant have such other and further relief as may appear just in the premise.

Dated: New York, New York
December 17, 2007

Respectfully submitted,

MEIER FRANZINO & SCHER, LLP.

By: 

Steven K. Meier (1609)

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TO:

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RULE 7.1 STATEMENT

KOCH ENTERTAINMENT DISTRIBUTION,
SHERIDAN SQUARE ENTERTAINMENT, INC.,
MUSICRAMA, INC,

Defendants.
-----X

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Sheridan Square Entertainment, Inc. (private non-governmental party) certifies that this party is a privately held company.

Dated: New York, New York
December 17, 2007

Respectfully submitted,

MEIER FRANZINO & SCHER, LLP.

By: 

Steven K. Meier (1609)
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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on December 17, 2007, he caused defendant Sheridan Square Entertainment, Inc.'s Answer to the Complaint to be served on the individuals listed below in the manner indicated:

FIRST CLASS MAIL

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STEVEN K. MEIER

Dated: New York, New York
December 17, 2007